

EXPANDED AGENDA
Board of Adjustment, District 3
Tuesday, July 10, 2012
J.P. Courtroom, County Service Center
126 W. 5th Street, Benson, Arizona

6:30 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1: Docket BA3-12-07 (Nolan): The Applicant seeks a Variance to Section 704.06 of the Zoning Regulations, which requires that all structures in TR-36 District shall observe a minimum 15-foot separation. The Variance request is to legitimize the location of the existing structures on the property.

The subject parcel (Parcel No. 201-31-005B) is located at 6220 North Fort Grant Road in Willcox, AZ. The Applicant is William Nolan.

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 - 1) Call for APPLICANT'S STATEMENT
 - 2) Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 - 3) Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of Applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Item 2: Docket BA3-12-06 (Clark): The Applicant seeks a Variance to Section 904.03 of the Zoning Regulations, which requires that all structures in an SR-8 District be set back no less than 10 feet from all property lines. The Applicant proposes to build an accessory shed 23 inches from the North property line.

The subject parcel (Parcel No. 114-14-138) is located at 217 N. Ford Street in Sunsites, AZ. The Applicant is Douglas Clark.

Item 2: Call for Planning Director's Report

Item 3: Call to the Public

ADJOURNMENT



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Keith Dennis, Senior Planner
For: Carlos De La Torre, P.E., Community Development Director
SUBJECT: Docket BA3-12-07 (Nolan)
DATE: July 2, 2012 for the July 10, 2012 Meeting

APPLICATION FOR A VARIANCE

The Applicant seeks a Variance to Section 704.06 of the Zoning Regulations, which requires that all structures in TR-36 zoning districts shall observe a minimum 15-foot separation. This Variance request is to legitimize the location of the existing structures on the property.

The subject parcel (Parcel No. 201-31-005B) is located at 6220 North Fort Grant Road in Willcox, AZ. It is further described as being situated in Section 33 of Township 12, Range 24 of the G&SRB&M, in Cochise County, Arizona.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 5.1 acres
Zoning: TR-36 (Transitional-Residential; minimum lot size 36,000 sq.-ft.)
Growth Area: D (Rural Areas)
Plan Designation: Rural
Area Plan: None
Existing Use: Single-family Residential and three accessory storage buildings
Proposed Use: Same

Surrounding Zoning and Land Use

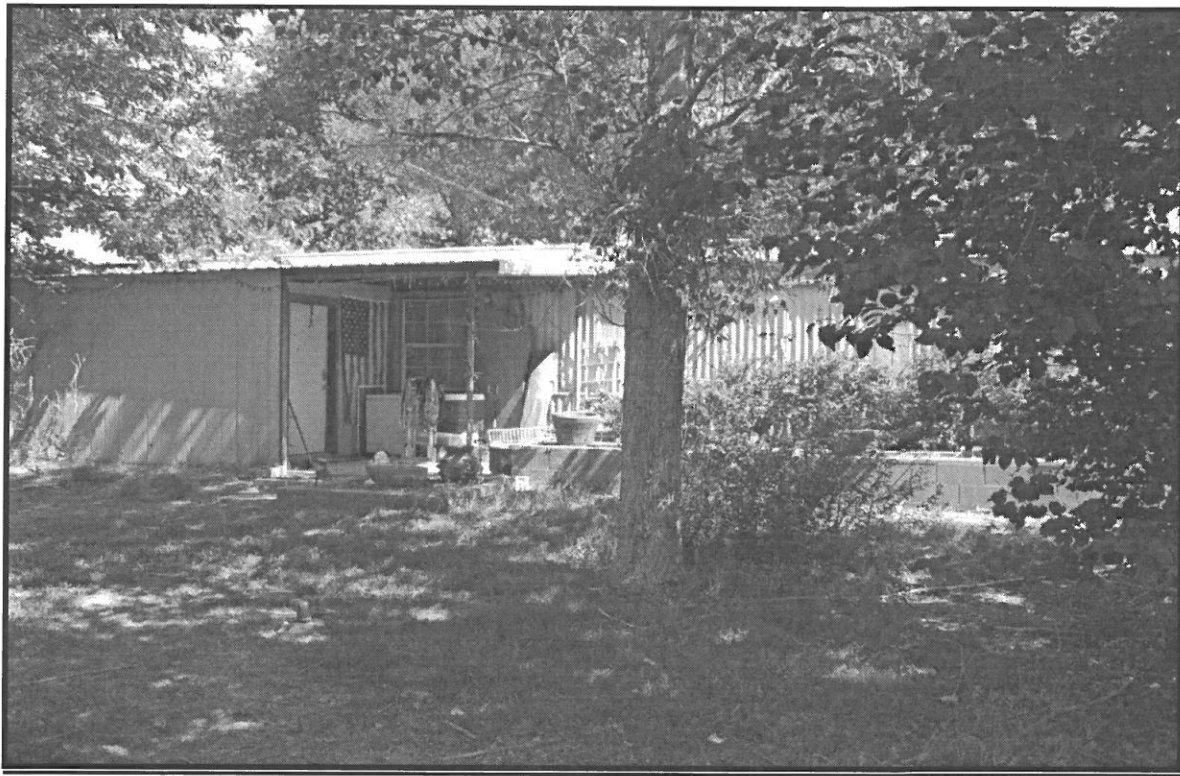
Direction	Zoning	Use(s)
North	TR-36	Vacant Land
South	TR-36	Ft. Grant Rd.; Single-family Residential
East	TR-36	Single-family Residential
West	TR-36	Vacant Land

II. PARCEL HISTORY

1992 – Permits for single-family residence and storage building
1995 – Permits for single-family residence, storage building, shed, septic and well house
1998 – Permit for storage building
2003 – Permit for replacement manufactured home

III. DESCRIPTION OF VARIANCE REQUEST

The Applicant seeks to place an 800 sq.-ft. manufactured home approximately 10.5-ft. from the primary residence, a 980 sq.-ft. manufactured home, in order to better accommodate the Applicant's disabled family. Per Article 7 of the Zoning Regulations, all structures in the TR-36 zoning districts must be separated a minimum of 15-ft. The primary purpose of minimum separation requirements is aesthetic and to minimize overcrowding, as well as for safety and fire separation. The Applicants have indicated that the location of their accessory buildings and mature trees limit the placement of the home to where proposed (*see attached site plan*).



Primary residence showing heavily treed portion of property.

IV. ANALYSIS OF IMPACTS

As indicated on the application and site plan, the 5.1-acre subject parcel has a 980 sq.-ft. manufactured home, an 800 sq.-ft. manufactured home, and three storage buildings/workshops. Aerial maps show that the area has low-density rural-residential uses, with the nearest neighbor approximately 500-ft distant. Therefore, permitting the manufactured home where proposed would not result in unacceptable visual impacts to neighbors or passers-by, nor would doing so create an overcrowded situation or safety hazard, as the County's Building Official has indicated that Building Codes require a minimum of 10-ft. of fire separation.



Aerial photo of site showing developed and treed area on southeast corner of property

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-ft. of the subject property. Staff posted the property on June 21, 2012 and published a legal notice in the Bisbee Observer on the same date. To date, the Department has not received any letters in support or opposition to this Variance request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. Permitting the 800 sq.-ft. manufactured home where proposed would not generate unacceptable visual impacts, nor seriously threaten safety for residents.
2. Despite this area of residential zoning, the on-the-ground development is area low-density rural-residential/rural uses, so overcrowding is not a concern.

Factors Against Approval

No factors against are apparent.

Recommendation

Based on the factors in favor of approval, staff recommends **approval** of the requested Variance.

Sample Motion: *Mr. Chairman, I move to approve Docket BA3-12-07 granting the requested Variance, with the factors in favor of approval listed in the staff report as findings of fact.*

VIII. ATTACHMENTS

Variance Application

Location Map

Site Plan

Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning, and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 438-1234 **COCHISE COUNTY**
Fax 432-9278

MAY 23 2012

PLANNING

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District _____ to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 201-31-005B
2. Address of parcel: 6220 North Fort Grant Rd.
Willcox, AZ 85643
3. Area of Parcel (to nearest tenth of an acre): 5.1
4. Zoning District designation of Parcel: TR-36
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. Our primary residence location.
14x70 manufactured Home - primary residence 1 Bedroom 1 Bath
12x20 storage Bld. 24x28 storage Bld/woodshop
16x20 storage/workshop
16x50 manufactured Home - used as Guest Quarters 2 Bedroom 1 Bath
6. Describe all proposed uses or structures, which are to be placed on the property.
move 16x50 manufactured Home/Guesthouse from
one location to another to make it more
suitable for disabled children + grandchildren

7. State the specific nature of the variance or variances sought.

We would like to locate it 10.5 feet
from the primary residence.

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

Due to the location of existing buildings and a large number of mature trees, the only suitable location is 10.5' from the primary residence. My daughter-in-law has MD, one granddaughter has a seizure disorder, and the 3-year-old has 4 heart defects. We feel this is a reasonable accommodation.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

The nearest neighbor's home is 500' from the location, and because of trees and shrubs, the building will not be visible at all from any surrounding homes. It is barely visible from a short section of the road in front.

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

William Nolan 6220 N. Fort Grant Rd, Willcox AZ 85643
Sara Nolan 6220 N. Fort Grant Rd, Willcox AZ 85643

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

W. P. H. 6220 N. Fort Grant, Willcox 5/22/12
Sara Nolan 6220 N. Fort Grant, Willcox 5/22/12

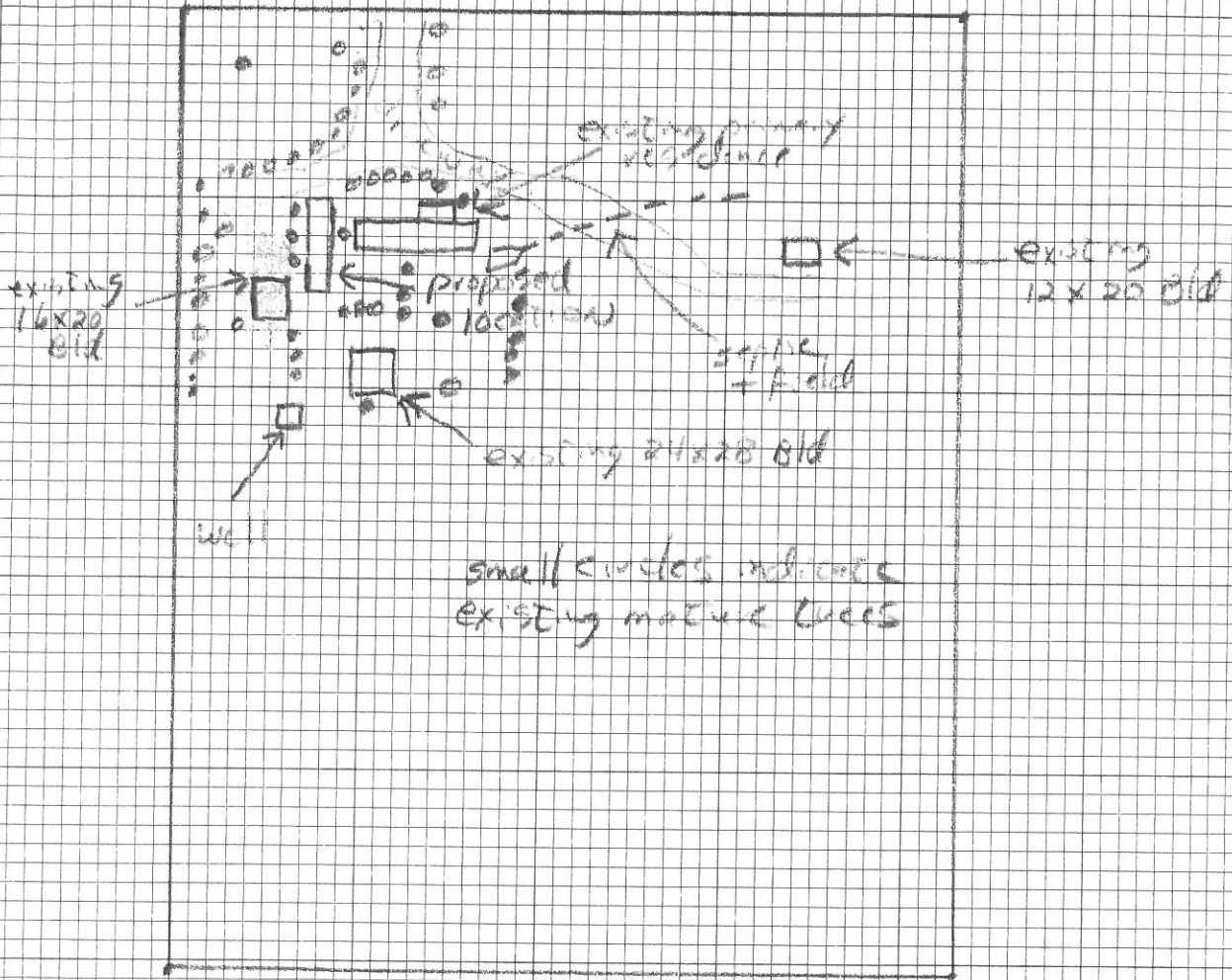
APPLICANT'S PHONE NUMBER 520-384-5320 or 520-508-2225

APPLICANT'S EMAIL ADDRESS bill@willcox.net

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

Fort Grant Road - South @ Top

Fort Grant Rd



Parcel 201-31-005B

North
↓

6220 N. Fort Grant - willcox A-85643

46 0700



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Keith Dennis, Senior Planner
For: Carlos De La Torre, P.E., Community Development Director
SUBJECT: Docket BA3-12-06 (Clark)
DATE: July 2, 2012 for the July 10, 2012 Meeting

APPLICATION FOR A VARIANCE

The Applicant seeks a Variance from Section 904.03 of the Zoning Regulations, which requires that all structures in a SR-8 District be set back no less than 10-feet from all property lines. The Applicant proposes to build a 280-sq.-ft. storage shed approximately 24-inches from the north property line.

The subject parcel (Parcel No. 114-14-138) is located at 217 N. Ford Street in Sunsites, AZ. The Applicant is Mr. Douglas Clark of the same address.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 11,030 square feet
Zoning: SR-8 (Single-Household Residential, one dwelling per 8,000 square feet)
Growth Area: B (Community Growth Area)
Plan Designation: High-Density Residential
Area Plan: Mid-Sulphur Springs Valley Area Plan
Existing Use: Single-family Residential
Proposed Use: Addition of one 14'x20' storage shed

Surrounding Zoning and Land Use

Direction	Zoning	Use(s)
North	SR-8	Single-family Residence and Vacant Land
South	SR-8	Single-family Residential
East	MR-1	Multi-family Residential
West	SR-8	Single-family Residential

II. PARCEL HISTORY

1997 – Permit issued for a 1,495 square foot single-family dwelling.

2010 – Applicant applied for and received a Variance to the SR-8 setback requirement of 10 feet (Docket BA3-10-03). The Variance allowed Mr. Clark to place two new carports on the property, one of which was to be 8 feet from the southern property line, the other to be 16 inches from the northern property line.

2010 – Following the outcome of the Variance hearing, the Applicant obtained the permit and constructed the carports.

2012 – County staff, seeing building materials assembled on the property, informed the applicant he would need to obtain a permit prior to construction. The Applicant informed staff of the proposed location and was advised that a Variance would be needed.



Above: The Clark residence. Below: Assembled construction materials (right) and concrete foundation with partially constructed walls lying flat (left).



III. PROJECT DESCRIPTION

The Applicant seeks to construct a 280 sq.-ft. storage shed approximately 24-inches from the north property line atop an existing concrete pad on an 11,000 sq.-ft. lot in Sunsites (the minimum setback in the SR-8 zoning districts is 10-feet). The Applicants have indicated that mobility constraints and other health issues necessitate placement of the storage shed as proposed, on the north side of the property and very near to the existing single-family residence and attached garage.

IV. ANALYSIS OF IMPACTS

The purpose of setbacks is to protect adjacent property owners from the impacts of uses, whether they are for safety considerations, privacy, or for the preservation of views, or to prevent overcrowding; this is especially important for communities with a number of small lots. As indicated, the subject parcel has a 1,495 sq.-ft. single-family residence and two existing carports (450 sq.-ft. and 462 sq.-ft.) on the 11,000 sq.-ft. property. The District 3 Board of Adjustment approved the carports' locations within the minimum setback area in 2010; the proposed 280 sq.-ft. storage shed would represent an additional non-conforming setback if approved. However, the Applicants indicated that they are elderly and infirmed and require easy access to the storage shed, hence the proposed location near to the residence and attached garage. If approved, the structure's walls facing the north property line and the Applicant's single-family residence would need to be fire rated due to the short setbacks, per the County's Building Official. Fire rating these walls would help protect the Applicants and their neighbors in the event of fire. Fire rating would be ensured at the permitting phase and would entail, for example, incorporating drywall and stucco materials into the structure.



Aerial of subject parcel (outlined in white) and environs.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-ft. of the subject property. Staff posted the property on June 21, 2012 and published a legal notice in the Bisbee Observer on the same date. To date, the Department has received two letters of protest from the property owners immediately south and north of the subject parcel. The respondents pointed out that the Applicant had two carports permitted with setback Variances and both cited concerns about overcrowding.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Variance

1. The Applicants have legitimate health-related hardships, so access to the storage shed would be eased by permitting it as proposed.

Factors Against Approval

1. The purpose of setbacks is to protect adjacent property owners from the impacts of uses, whether they are for safety considerations, privacy, for the preservation of views, and to prevent overcrowding in residential neighborhoods; if approved, the Variance would allow a third non-conforming setback on the subject property.
2. Per the submitted site plan, the proposed storage shed could comply with minimum setback requirements if it were constructed elsewhere on the property.
3. Two property owners within 300-ft. oppose this request.

Recommendation

Despite the three Factors Against Approval listed above, the Applicants have a legitimate rationale for placing the storage shed as proposed due to their respective health issues and lack of mobility. Permitting the storage shed as proposed would not obstruct viewsheds for neighbors (it would be placed very near to the north side of the attached garage) and the structure would need to be fire rated which would protect nearby properties and residents. Therefore, based on the factor in favor of approval, staff recommends **approval** of the requested Variance.

Sample Motion: Mr. Chairman, I move to approve Docket BA3-12-06, granting the requested Variance, with the factors in favor of approval listed in the staff report as findings of fact.

VIII. ATTACHMENTS

Variance Application
Location Map
Site Plan
Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax: 432-9278

COCHISE COUNTY

MAY 08 2012

PLANNING

APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 3.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District 3 to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Tax Parcel Number: 114-14-138

2. Address of Parcel: 217 N. Ford St.

Peabce/SUNsites, AZ. 85625

3. Area of Parcel (to nearest tenth of an acre): 1/4 Acre Plus.

4. Zoning district classification of parcel: Residential

5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. _____

Home (Residence) APPROX. 1495 square feet with
attached two Car Garage - Two one year old New
Metal Carports - 22'x21' and 18'x25' for Vehicle
Parking

6. Describe all proposed uses or structures, which are to be placed on the property. _____

ONE 14'x20' Storage Shed

7. State the specific nature of the variance or variances sought, identifying the applicable section or sections of the Cochise County Zoning Regulations.

Regulations as for a storage is to be Ten feet from property line. The storage shed I am proposing would be two feet from property line.

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in practical difficulties or unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved. (See Section 2103.02 on variances (attached) Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited in #7 above.

The storage shed will be between the house and the fence line and on the six inch concrete driveway and to the back of the driveway. Distance between the house and fence & property line is 23'.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

The storage shed will be far enough away from Ford street - (44') and 24' from Neighbors ~~house~~ house on the North

10. List the name and address of all owners of the parcel(s) for which the variance is sought.

PROPERTY OWNER

ADDRESS

Douglas L. Clark - 217 N. Ford St, Pearce/SUNsites, AZ.
Mauheen C. Clark - 217 N. Ford St, Pearce/SUNsites, AZ, 85625

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

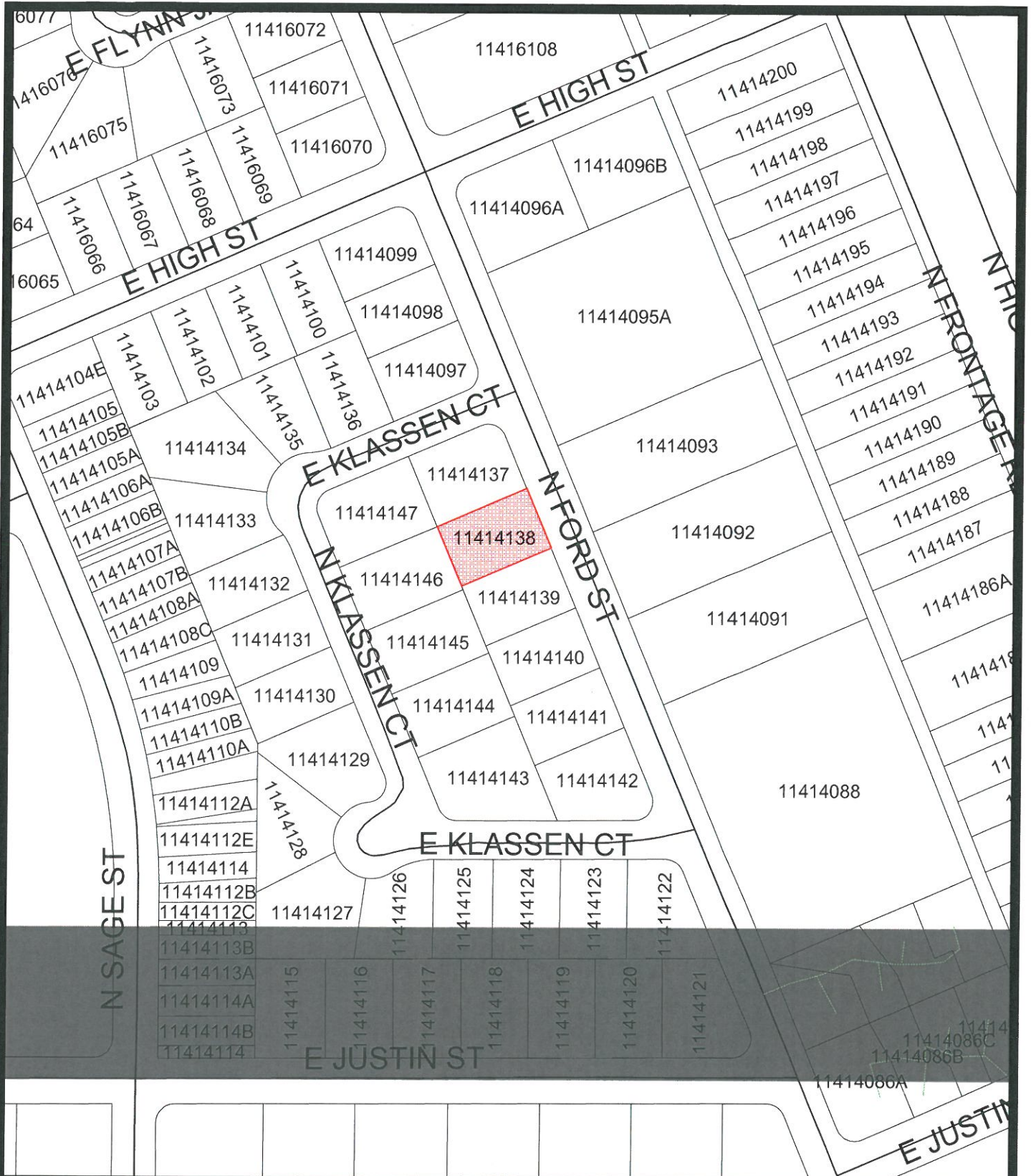
DATE

Douglas L. Clark 217 N. Ford St, Pearce AZ. 5-3-2012
Mauheen C. Clark 217 N. Ford St, Pearce/SUNsites, AZ, 85625

APPLICANT'S PHONE NUMBER Verizon Cell - 303-907-1932

APPLICANT'S EMAIL ADDRESS _____

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Community Development Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.

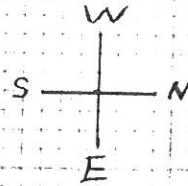


Docket BA3-12-06 (Clark) Location Map

This map is a product of the
Cochise County GIS



Alleyway



PROPERTY TAX NO.

114-14-138

Not to Scale

4' ChainLink Fenced
Around Property

Clark Residence
217 N. Ford St.
Pearce, SUNSITE
AZ.
85625

Garage

Proposed Storage Shed

Wibling Residence
219 N. Ford St.

Metal Carport

Driveway

Metal Carport

Sidewalk

N. Property Line

N. Ford St.

215 N. Ford St.

"Dear Sir"

4-26-2012

My wife and I are hoping to erect a 14'x20' Storage Shed which we need desperately. We need to clear out our cluttered Garage in order to have room for physical therapy work out equipment.

We have all materials for the project and have the two side walls built and lying on the 6" Concrete Pad along with the trusses. We were not aware that a Permit was needed for a Storage Shed until Dave the Cochise Co. inspector came by and informed us.

In 2010 we had to go thru the system for a variance which was granted and dealt with Keith Dennis. I am 77 and my wife is 72 years old, we both have physical health disabilities and on a fixed income. I get around mostly on a mobility scooter or on two canes while my wife uses one cane. My wife has recently been diagnosed with Parkinson's disease and hard for her to get around. The inspector said the shed needs to be on skids. I planned to set the walls on the base plate and the 6" concrete without anchoring it to the concrete. If I put it on skids I would not be able to enter the shed with the scooter and already have a 6' wide door with sill plate.

Hopefully we can work this out as the shed will be very well built and attractive.

Sincerely

Douglas Clark

Variance: Docket BA3-12-06 (Clark)

____ YES, I SUPPORT THIS REQUEST

Please state your reasons:

____ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Mr Clark has already put up two car covers on his property with approx 6 inches from the north property line and the front of both on the property line on the street which ruined the look of the whole block. I don't understand how he got a street variation as when I put up my cover they said it definitely could not go past the front of the house. He has so much stuff sitting around I don't think he needs more and not so close to north line

(Attach additional sheets, if necessary)

I am next door neighbor on South and would like my name not mentioned as I have to live here

PRINT NAME(S):

Glen LeVaque

SIGNATURE(S):

Glen LeVaque

YOUR TAX PARCEL NUMBER: 11414139 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the District 3 Board of Adjustment. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Monday, July 2, 2012

RETURN TO: Keith Dennis
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

Variance: Docket BA3-12-06 (Clark)

PLANNING

JUN 27 2012

COCHISE COUNTY

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

IN THE FIRST PLACE HE HAS
ENOUGH SHEDS PUT UP. TO CLOSE TO MY
PROPERTY LINE + HAS NOT USED IT FOR
CARS. HAS A TRAILER OF WOOD THERE
+ A SCOOTER HE KEEPS THERE ALSO.
I AM 87 YRS. OLD LIVES IN HOUSE 35 YRS.
+ DO NOT NEED THIS HARASSMENT.
THIS IS TO CLOSE TO MY PROPERTY LINE.
PH. - 520-826-3404

(Attach additional sheets, if necessary)

PRINT NAME(S):

EDITH F. NIBLING

SIGNATURE(S):

Edith F Nibling

YOUR TAX PARCEL NUMBER: 114-14-137 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the District 3 Board of Adjustment. Upon submission this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. To ensure adequate review time by members of the Board, this form is due to our Department by Monday, July 2, 2012

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603